

BIRCH, STEWART, KOLASCH & BIRCH, LLP

TERRELL C. BIRCH
RAYMOND C. STEWARD
JOSEPH A. KOLASCH
JAMES M. SLATTERY
MICHAEL K. MUTTER
CHARLES GORENSTEIN
GERALD M. MURPHY, JR.
LEONARD R. SVENSSON
ANDREW D. MEIKLE
MARC S. WEINER
JOE MCKINNEY MUNCY
ROBERT J. KENNEY
JOHN W. BAILEY
MARK J. NUEL, PH.D.
JAMES T. ELLER, JR.
D. RICHARD ANDERSON
THOMAS M. SMALL
ROBERT A. SELDON
JOHN A. SCILLIERI
SANFORD ASTOR

OF COUNSEL:
HERBERT M. BIRCH (1905-1996)
BERNARD L. SWEENEY
ELLIOT A. GOLDBERG
WILLIAM L. GATES
EDWARD H. VALANCE
RUPERT J. BRADY (RET.)
F. PRINCE BUTLER
FRED S. WHISENHUNT (RET.)
JAMES W. HELLWEGE
QUENTIN R. "Rick" CORRIE
ROBERT F. GNUSE
DAVID R. MURPHY
PHILIP K. YU
ROBERT M. ASHEN
MICHAEL R. CAMMARATA

*ADMITTED TO A BAR OTHER THAN VA.



INTELLECTUAL PROPERTY LAW
8110 GATEHOUSE ROAD
SUITE 500 EAST
FALLS CHURCH, VA 22042-1210
USA
(703) 205-8000

FAX: (703) 205-8050
(703) 698-8590 (G IV)

e-mail: mailroom@bskb.com
web: http://www.bskb.com

CALIFORNIA OFFICES:
COSTA MESA, CALIFORNIA
LOS ANGELES, CALIFORNIA

SCOTT L. LOWE
PAUL C. LEWIS
RICHARD GALLAGHER
MARYANNE ARMSTRONG, PH.D.
KECIA J. REYNOLDS
KALPANA REDDY
ESTHER H. CHONG
CATHERINE M. VOISINET
EUGENE T. PEREZ
CAROLYN T. BAUMGARDNER
MARTIN R. GEISSLER
J. ALISON GRABELL
T. BENJAMIN SCHROEDER, PH.D.
PERCY L. SQUARE
HYUNG SOHN
CLINT A. GERDINE
CRAIG A. MCROBBIE

REG. PATENT AGENTS:
FREDERICK R. HANDREN
MAKI HATSUMI
GARTH M. DAHLEN, PH.D.
ROBERT E. GOOZNER, PH.D.
KRISTIN L. RUPERT, PH.D.
MATTHEW T. SHANLEY
SUSAN W. GORMAN, PH.D.
ROBERT W. DOWNS
CHAD J. BILLINGS
CHRISTINE V. CASTILLO
CARL T. THOMSEN
SAM BHATTACHARYA
BRADLEY C. FACH

Date: April 28, 2003 (Monday)

Docket No.: 2962-0120P

Appl. No.: 08/776,044

Conf. No.: 1463

RECEIVED

BOX CPA

Assistant Commissioner for Patents
Washington, DC 20231

MAY 05 2003

TECH CENTER 1600/2900

Sir:

This is a Request for filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) of prior Application No. 08/776,044 entitled SEQUENCE-BASED MUTATION ANALYSIS OF NEOPLASTIC TISSUE FOR DIAGNOSIS OR PROGNOSIS OF THE NEOPLASIA by the following named Inventor(s):

Margaret BYWATER; Per LINDSTROM; Mats INGANAS

☐ This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. §1.53(d) (4).

a. ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:

b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

The above-identified prior application, in which no payment of the issue fee, abandonment of, or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this new application. Please use all of the contents of the prior application file wrapper, including the drawings, as the basic papers for the new application.

CPA 1642

32 KJ 5803

04/30/2003 CNGUYEN 00000097 08776044
750.00 OP
1970.00 OP
01 FC:1001
02 FC:1255

1. ☐ Enter the Amendment previously filed , under 37 C.F.R. § 1.116 but unentered, in the prior application.
2. ☐ A Preliminary Amendment is enclosed.
3. ☐ An Information Disclosure Statement and PTO-1449 form(s) are attached hereto for the Examiner's consideration.
4. ☐ A new power of attorney or authorization of agent is enclosed.

The filing fee is calculated on the basis of the claims existing in the prior application as amended at 1 and 2 above.

			LARGE ENTITY	SMALL ENTITY
BASIC FEE			\$750.00	\$375.00
	NUMBER FILED	NUMBER EXTRA	RATE FEE	RATE FEE
TOTAL CLAIMS	12-20=	0	x 18 = \$0.00	x 9 = \$0.00
INDEPENDENT CLAIMS	3-3=	0	x 84 = \$0.00	x 42 = \$0.00
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS PRESENTED			+ \$280.00	+ \$140.00
TOTAL			\$750.00	\$0.00

5. ☐ Small entity status: Applicant claims small entity status. See 37 C.F.R. § 1.27.
6. ☐ Priority of Application No(s). filed in on is claimed under 35 U.S.C. § 119. See attached copy of the Letter claiming priority filed in the prior application on .
7. ☒ Priority of International Appl. PCT/SE95/00804 filed on June 29, 1995 under the Patent Cooperation Treaty and Swedish Application No(s). 9402487-4 and 9403953-4 filed in Sweden on July 15, 1994 and November 16, 1994, respectively under 35 U.S.C. § 119 are hereby reclaimed.

8. ☒ Address all future communications to:
BIRCH, STEWART, KOLASCH & BIRCH, LLP
P.O. Box 747
Falls Church, VA 22040-0747
Telephone: (703) 205-8000
or
Customer No. 2292
9. ☒ The applicant(s) hereby petition(s) for an extension of five (5) month(s) pursuant to 37 C.F.R. §§ 1.17 and 1.136(a). The fee has been calculated as shown below:
- ☒ NO extensions of time have been previously obtained in the prior application. Thus, a fee of \$1,970.00 is required for the full period of the above-requested extension of time.
- ☐ An extension of () month(s) was previously requested and paid for on in the prior application. Thus, a fee of \$0.00 is required to obtain an additional () month(s) in order to establish co-pendency with the present application.
10. ☐ Applicant requests suspension of action under 37 C.F.R. § 1.103(b) for a period of () months (not to exceed 3 months) and the fee of \$130.00 under 37 C.F.R. § 1.17(i) is enclosed.
11. ☒ Check(s) in the amount of \$2,720.00 is/are enclosed.
12. ☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this request is enclosed.
13. ☐ The filing fee is NOT attached. Please issue a Notice requesting the filing fee.
14. ☐ Also enclosed herewith is the following:

Appl. No. 08/776,044

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

It is understood that secrecy under 35 U.S.C. § 122 is hereby waived to the extent that if information or access is available to any one of the applications in the file wrapper of a 37 C.F.R. § 1.53(d) application, be it either this application or a prior application in the same file wrapper, the Patent and Trademark Office may provide similar information or access to all of the other applications in the same file wrapper.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
Gerald M. Murphy, Jr., #28,977

KLR
GMM/KLR:gml
2962-0120P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

Attachment(s)

(Rev. 12/29/02)